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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/216,378	12/18/1998	RIX S. CHAN	450.250US1	9856
24333	7590 07/10/2003			
GATEWAY, INC. ATTN: SCOTT CHARLES RICHARDSON 610 GATEWAY DRIVE MAIL DROP Y-04 N. SIOUX CITY, SD 57049			EXAMINER	
			LAO, LUN S	
			ART UNIT	PAPER NUMBER
515 671 61	11,02 010.5		2643	12
			DATE MAILED: 07/10/2003	, -

Please find below and/or attached an Office communication concerning this application or proceeding.

Km

Advisory Action CHAN ET AL.								
Examiner		Application No.	Applicant(s)					
Lun-See Lao -The MAILING DATE of this communication appears on the cover sheet with the correspondence address — THE REPLY FILED 24 June 2003 FAILS TO PLACE THIS A PPLICATION IN CONDITION FOR ALLOWANCE. Therefore, further action by the applicant is required to avoid abandonment of this application. A proper reply to a mine rejection under 37 CPR 1.13 may only be either (1) a timely filed amendment which places the application in condition for allowance, (2) at timely filed Notice of Appeal (with appeal fee); or (3) a timely filed Request for Continued Examination (RCE) in compliance with 37 CPR 1.114. PERIOD FOR REPLY (check either a) or b)] The period for reply expises — membre from the mailing date of the final rejection. PERIOD FOR REPLY (check either a) or b)] The period for reply expises on (1) the mailing date of the final rejection. PERIOD FOR REPLY (check either a) or b)] The period for reply expises on (1) the mailing date of the final rejection. PERIOD FOR REPLY (check either a) or b)] The period for reply expises on (1) the mailing date of the final rejection, whichever is later. In no event, however, with the statutory period for reply expise later than 51X MONTES from the mailing date of the final rejection. The period feed of the final rejection of the period of the final rejection. The period for reply expises on (1) the mailing date of the final rejection. The period feed of the replection of the replection, which the replection of the replection, should be allowable if submitted in a separate, timely filed amendment canceling the non-allowable chains (s) will not be entered because: The proposed armendment(s) will not be center	Advisory Action	<u></u>						
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table been filed is the date for purposes of determining the period of extension and the corresponding amount of the feet. The appropriate extension fee under VFCPR.1.7(s) accausated from: (i) the expiration alse of the shortened statutory period for reply originally set in the final Office action; or (2) as set forth in b) above, if checked. Any reply received by the Office later than three months after the mailing date of the final rejection, even if timely filed, may reduce any sammed patent time adjustment. See 37 CPR.1.79(d). 1. □ A Notice of Appeal was filed on Appellant's Brief must be filed within the period set forth in 37 CFR 1.192(a), or any extension thereof (37 CFR 1.191(d)), to avoid dismissal of the appeal. 2. □ The proposed amendment(s) will not be entered because: (a) □ they raise new issues that would require further consideration and/or search (see NOTE below); (b) □ they raise the issue of new matter (see Note below); (c) □ they are not deemed to place the application in better form for appeal by materially reducing or simplifying the issues for appeal; and/or (d) □ they present additional claims without canceling a corresponding number of finally rejected claims. NOTE: 3. □ Applicant's reply has overcome the following rejection(s): 4. □ Newly proposed or amended claim(s) would be allowable if submitted in a separate, timely filed amendment canceling the non-allowable claim(s). 5. □ The application in condition for allowance because: See Continuation Sheet. 6. □ The affidavit or exhibit will NOT be considered because it is not directed SOLELY to issues which were newly raised by the Examiner in the final rejection. 7. □ For purposes of Appeal, the proposed amendment(s) a) □ will not be entered or b) □ will be entered and an explanation of how the new or amended claims would be rejected is provided below or appended. The status of the claim(s) is (or will be) as follows: Claim(s) objected to: Claim(s) objected to: Claim(s) objected to:	b) The period for reply expires on: (1) the mailing date of this Advevent, however, will the statutory period for reply expire later the ONLY CHECK THIS BOX WHEN THE FIRST REPLY WAS	risory Action, or (2) the date set forth in th an SIX MONTHS from the mailing date o	f the final rejection.	n no				
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Continuation Sheet (PTO-303) 09/216,378

Continuation of 5. does NOT place the application in condition for allowance because: Regarding applicant's argument that Lambrecht and Denenberg teach away from the claimed combination because Lambrecht cancels relatively constant statistically predictable noise / without continuously sampling the noise environment, whereas Denenberg uses a synchronous controller (remarks, pages 7-8). The examiner's response is as follows. First, the combination relied on is not combining canceling relatively constant statistically predictable noise / without continuously sampling the noise environment as taught by Lambrecht with using a synchronous controller as in the system of Denenberg. Instead, the combination incorporates a digital signal processor for mixing a noise cancellation signal with an audio signal to produce a noise_corrected audio signal, as taught by Denenberg, into Lambrecht. Such mixing provided by a DSP does not depend on whether or not the noise signal is relatively constant / statistically predictable. In other words, the nature of the noise bein relatively constant / statistically predictable or being a siren is not the teaching relied on the rejection. Second, applicant's argument is based on bodily incorporating Lambrecht and Denenberg. However, the test for obviousness is not whether the features of a secondary reference may be bodily incorporated into the structure of the primary reference. Rather, the test is what the combined teachings of the references would have suggested to those of ordinary skill in the art. See In re Keller, 642 F.2d 413, 208 USPQ 871 (CCPA 1981). It is the teachings of Lambrecht and Denenberg, instead of the physical elements, nor the environments wherein the teachings are implemented, that are combined. Denenberg teaches using a DSP to mix a noise cancellation signal with an audio signal to produce a noise_corrected audio signal. It is this concept of Denenberg that is applied to Lambrecht.